

The Examiner has objected to claim 8 indicating text which should be removed. Claim 8 has been amended to add a word which was inadvertently left out of the claim.

The Examiner has rejected claims 1-3, 5, 12 13 and 18 under 35 U.S.C. §102(e) as being anticipated by Butschat. The Examiner has indicated that Butschat discloses all of the elements of the rejected claims. Applicant respectfully disagrees. Butschat is a container system for a paint brush, not a paint roller as is claimed in the present invention. Even if Butschat were modified to accept a paint roller, based on the teachings in Butschat, the container would extend 10 - 12 inches from the side of the painter, rendering the device unusable. Further, the Butschat device does not attach to the painter such that the brush or, if modified to accept a roller, roller is perpendicular to the body of the painter as is claimed in the present invention. Instead, Butschat teaches having the brush parallel to the body of the painter. There is no teaching or suggestion in Butschat to use a paint roller in the described container, nor is there any teaching to place the brush perpendicular to the body of the painter. Thus, Butschat neither anticipates nor renders obvious the instant invention as presently claimed.

The Examiner has rejected claims 1, 8, 9 and 12-15 under 35 U.S.C. §103(a) as being unpatentable over Jaques in view of Butschat. As discussed above, Butschat does not show a device designed for a paint roller. Jaques also does not show a device for a paint roller. Furthermore, there is no reason to combine the clip of Butschat with the container disclosed in Jaques. Jaques specifically teaches maintaining the paint brushes on the outside of the paint container. Jaques teaches away from using a clip in the internal surface of the container. Again,

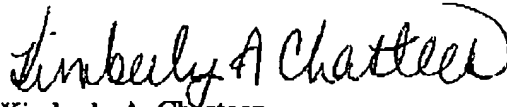
neither of the cited references discloses or suggests a container for a paint roller in which the roller is maintained perpendicular to the body of the painter. The instant invention as presently claimed is not rendered obvious by the combination of Jaques and Butschat.

The Examiner has rejected claim 4 under 35 U.S.C. §103(a) as being unpatentable over Jaques in view of Butschat and further in view of Davidson. As discussed above, Butschat does not show a device designed for a paint roller. Jaques also does not show a device for a paint roller. Davidson is cited merely for the addition of a shoulder strap to the combination of Butschat and Jaques. Davidson does not disclose or suggest a device designed to carry a paint roller perpendicular to the body of a painter as is claimed in the present invention. Claim 4 is not rendered obvious by the combination of Jaques, Butschat and Davidson.

Claims 6, 7, 10, 11, 16 and 17 have been objected to as being dependent upon a rejected base claim. The Examiner indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 6, 7, 10, 16 and 17 have been amended to include the limitation of claims 1 and any intervening claims. Claim 11 depends from amended claim 10 and has not been amended. The Applicant believes these amendments place claims 6, 7, 10, 11, 16 and 17 in condition for allowance along with previously allowed claim 19.

All claims now in the application are deemed patentably distinguishable over the art applied and noted, but not relied upon. Accordingly, allowance of the application is solicited.

Respectfully submitted,



Kimberly A. Chasteen
Reg. No. 36,755

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(757) 249-5100

Williams Mullen
One Old Oyster Point Road, Suite 210
Newport News, VA 23692

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CLEAN VERSION
OF
CLAIM AS AMENDED:

CLAIMS

What is claimed is:

- 1 1. A device for carrying paint and a paint roller, comprising:
2 a first storage compartment having an open top, the first storage compartment
3 sized to accept a paint roller and paint;
4 a first clip means for retaining the paint roller at a specified location within the
5 first storage compartment; and
6 a means for attaching the device to a painter wherein the paint roller is
7 perpendicular to the body of the painter.

- 1 2. A device for carrying paint and a paint roller as described in Claim 1,
2 wherein the first clip means acts to retain the paint roller such that the paint roller is not
3 submerged in the paint.

- 1 3. A device for carrying paint and a paint roller as described in Claim 1,
2 wherein the attachment means attaches the device to a belt on the painter.

- 1 4. A device for carrying paint and a paint roller as described in Claim 1,
2 wherein the attachment means is a shoulder strap.

1 5. A device for carrying paint and a paint roller as described in Claim 1,
2 wherein the device further includes a support element for maintaining the device in an
3 upright position.

1 6. A device for carrying paint and a paint roller, comprising:
2 a first storage compartment having an open top, the first storage compartment
3 sized to accept a paint roller and paint;
4 a first clip means for retaining the paint roller at a specified location within the
5 first storage compartment;
6 a means for attaching the device to a painter wherein the paint roller is
7 perpendicular to the body of the painter; and
8 a support element for maintaining the device in an upright position wherein the
9 support element is a foldable support beam.

1 7. A device for carrying paint and a paint roller, comprising:
2 a first storage compartment having an open top, the first storage compartment
3 sized to accept a paint roller and paint;
4 a first clip means for retaining the paint roller at a specified location within the
5 first storage compartment;
6 a means for attaching the device to a painter wherein the paint roller is
7 perpendicular to the body of the painter, and
8 a support element for maintaining the device in an upright position wherein the
9 support element is an extension added to the bottom surface of the device.

1 8. A device for carrying paint and a paint roller as described in Claim 1,
2 wherein the device further includes a second storage compartment.

1 9. A device for carrying paint and a paint roller as described in Claim 8,
2 wherein the second storage compartment is sized to accept a paint brush.

1 *12* 10. A device for carrying paint and a paint roller, comprising:
2 a first storage compartment having an open top, the first storage compartment
3 sized to accept a paint roller and paint;
4 a first clip means for retaining the paint roller at a specified location within the
5 first storage compartment;
6 a means for attaching the device to a painter wherein the paint roller is
7 perpendicular to the body of the painter; and
8 a second storage compartment sized to accept a paint brush which second storage
9 compartment includes a second clip means for retaining the paint brush at a specified
10 location within the second storage compartment.

1 11. A device for carrying paint and a paint roller as described in Claim 10,
2 wherein the second clip means acts to retain the paint brush such that the paint brush is
3 not submerged in paint.

1 12. A device for carrying paint and a paint roller as described in Claim 1,
2 wherein the first storage compartment is made from a non-porous, durable, lightweight
3 material.

1 13. A device for carrying paint and a paint roller as described in Claim 1,
2 wherein the first storage compartment is made from a material selected from the group
3 consisting of plastic or lightweight metal.

1 14. A device for carrying paint and a paint roller as described in Claim 8,
2 wherein the second storage compartment is made from a non-porous, durable, lightweight
3 material.

1 15. A device for carrying paint and a paint roller as described in Claim 8,
2 wherein the second storage compartment is made from a material selected from the group
3 consisting of plastic or lightweight metal.

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1 16. A device for carrying paint and a paint roller, comprising:
2 a first storage compartment having an open top, the first storage compartment
3 sized to accept a paint roller and paint;
4 a first clip means for retaining the paint roller at a specified location within the
5 first storage compartment;
6 a means for attaching the device to a painter wherein the paint roller is
7 perpendicular to the body of the painter, and
8 an insert for the first storage compartment.

1 17. A device for carrying paint and a paint roller, comprising:
2 a first storage compartment having an open top, the first storage compartment sized
3 to accept a paint roller and paint;
4 a first clip means for retaining the paint roller at a specified location within the first
5 storage compartment;
6 a means for attaching the device to a painter wherein the paint roller is
7 perpendicular to the body of the painter;
8 a second storage compartment; and
9 an insert for the second storage compartment.

1 18. A device for carrying paint and a paint roller, comprising:
2 a storage compartment made from a non-porous, durable, lightweight material,
3 having an open top, the storage compartment sized to accept a paint roller and paint;
4 a clip means for retaining the paint roller at a specified location within the storage
5 compartment such that the paint roller is not submerged in the paint;
6 a belt attachment means for attaching the device to a painter wherein the paint
7 roller is perpendicular to the body of the painter; and
8 a support element for maintaining the device in an upright position.

19. A device for carrying paint and a paint roller, comprising:

- a first storage compartment made from a non-porous, durable, lightweight material, having an open top, said storage compartment sized to accept a paint roller and paint;
- a first clip means for retaining the paint roller at a specified location within said first storage compartment such that the paint roller is not submerged in the paint;
- a second storage compartment made from a non-porous, durable, lightweight material, having an open top, said storage compartment sized to accept a paint brush and paint;
- a second clip means for retaining the paint brush at a specified location within the second storage compartment such that the paint brush is not submerged in the paint;
- a belt attachment means for attaching the device to a painter wherein the paint roller is perpendicular to the body of the painter; and
- a support element for maintaining the device in an upright position.